



## COMMUNITY SAFETY & DEVELOPMENT

**MINUTES OF THE MEETING  
OF THE BOARD OF VARIANCE  
HELD IN THE BOARDROOM, 455 WALLACE STREET, NANAIMO, BC  
ON THURSDAY, 2012-JAN-19 COMMENCING AT 7:00 P.M.**

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**PRESENT:** Members: Mr. Lars Apland - Chair  
Ms. Janet Cowling  
Mr. Allan Dick  
Mr. Jim Galloway  
Mr. Amarjit Minhas

Staff: Mr. Dave Pady, Planning Assistant, Current Planning

**1. CALL THE MEETING TO ORDER:**

The regular meeting was called to order at 6:59 p.m.

**2. ADOPTION OF MINUTES:**

It was moved and seconded that the Minutes of the meeting of the Board of Variance held in the Boardroom, 455 Wallace Street, Nanaimo, BC on Thursday, 2011-DEC-15 be adopted as circulated. The motion carried unanimously.

**3. APPLICATIONS:**

**APPEAL NO.:** BOV591

**Applicant:** Mr. Barry MacNeil on behalf of Big Blue Developments Ltd.

**Civic Address:** 473 Nottingham Drive

**Legal Description:** LOT 21, SECTION 15A, WELLINGTON DISTRICT, PLAN VIP84751

**Purpose:** The request of the applicant is to increase the maximum height of a retaining wall in a front yard from 1.2 metres to 2.6 metres in order to permit a recently constructed retaining wall. This represents a retaining wall height variance of 1.4 metres.

**Zoning Regs:** Steep Slope Residential – R10. The applicant requests a variance to the City of Nanaimo “ZONING BYLAW 2011 NO. 4500”:

*“6.10.2 – Fence Height – The height of a fence shall not exceed 1.2 metres in a front yard.”*

*“Retaining Wall – means a wall erected to hold back water, or support a bank of earth, and which is considered a fence for the purpose of regulating height”*

**LGA:** The property is considered legal-conforming and, as such; *Local Government Act, Section 911 – Non-conforming Uses and Siting*, does not apply.


**Discussion:** Mr. Lucky D’Ley appeared to present the variance application request on behalf of the property owners, Mr. Jimmy Dunn and Ms. Theresa Dunn, who were not in attendance.

**Decision:** It was moved and seconded that the variance application be approved as presented. The motion carried unanimously.

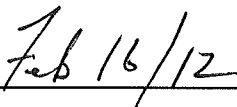
4. **OTHER BUSINESS:**

5. **ADJOURNMENT:**

It was moved and seconded at 7:18 p.m. that the meeting terminate. The motion carried unanimously.

  
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CHAIR  
CERTIFIED CORRECT

  
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DATE: